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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,976	11/19/2001	Mark W. Saylor	00124-031001	9534
23483	7590	09/07/2006	EXAMINER	
WILMER CUTLER PICKERING HALE AND DORR LLP 60 STATE STREET BOSTON, MA 02109			NGUYEN, CAO H	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/988,976

Applicant(s)

SYLOR ET AL.

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-25 and 29 is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-15, 26-28, 30-36 and 40-48 is/are rejected.
- 7) ☒ Claim(s) 8-10, 16-18 and 37-39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-7, 11-15, 26-28, 30-36 and 40-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (US Patent No. 5,475,819) in view of Jones et al. (US Patent No. 6,199,098).

Regarding claim 1, Miller discloses a computer-based method for displaying the status of networked resources (see col. 2, lines 15-43), that includes a plurality of resource profiles and a plurality of dependency relationships among resource profiles in the plurality of resource profiles, where the resource profiles represent networked resources (see col. 3, lines 1-67); however, Miller fails to explicitly teach including rendering in a fishbone layout a hierarchy.

Jones teaches including rendering in a fishbone layout a hierarchy (see col. 3, lines 18-59). It would have been obvious to one of ordinary skill in the art, having the teachings of Miller and Jones before him at the time the invention was made, to modify the displaying status 3network resource profile of Miller to include the network resource layout hierarchy display, as taught by Jones. One would have been motivated to make such a combination in order to rendering a visual representation of the status of the monitored network resource profile, and an interactive display shows hierarchy network profile resources monitored by network monitoring software.

Regarding claim 2, Miller discloses acquiring a status of a monitored resource having a monitored resource profile in the fishbone layout, and updating the fishbone layout to reflect the status (see col. 4, lines 35-67 and figures 1-3).

Regarding claims 3 and 32, Miller discloses wherein acquiring a status includes repeatedly acquiring the status at regular intervals (see col. 5, lines 20-51).

Regarding claims 4 and 33, Miller discloses wherein repeatedly acquiring the status includes acquiring information about properties of the monitored resource that have changed in a most recent interval among the regular intervals (see col. 6, lines 4-49).

Regarding claims 5 and 34, Jones discloses wherein the monitored resource profile includes a propagation rule for how the acquired status should propagate to dependent resource profiles in consumer dependency relationships with the monitored resource profile; and wherein updating the fishbone layout includes updating the rendering of the dependent resource profiles (see col. 4, lines 18-60). One would have been motivated to make such a combination in order to rendering a visual representation of the status of the monitored network resource profile, and an

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interactive display shows hierarchy network profile resources monitored by network monitoring software.

Regarding claims 6 and 35, Jones discloses wherein the rendering first displays the fishbone layout in a display panel, using a first density mode of the fishbone layout; and further including replacing the first density mode with a second density mode (see col. 4, lines 37-67).

Regarding claims 7 and 36, Jones discloses wherein the replacing is in response to a change in the ratio of members of the fishbone layout to a size of the display panel (see col. 5, lines 32-57).

Regarding claims 11 and 40, Jones discloses wherein the second density mode of the fishbone layout is a dense mode that renders a tier-two resource profile as a parallelogram (see figures 1A-2).

Regarding claims 12 and 41, Jones discloses further including presenting a summary dialog that describes a component of the fishbone layout in response to a sustained mouseover (see figures 1E-2).

Regarding claims 13 and 42, Jones discloses displaying a context menu for a component of the fishbone layout in response to a right-click on the component, the context menu including a drill-down list offering procedures to invoke on the component (see col. 8, lines 14-67).

Regarding claims 14 and 43, Jones discloses wherein the context menu is customized to the component (see figures 1A-1E).

Regarding claims 15 and 44, Jones discloses wherein a procedure in the drill-down list invokes, in response to a selection by the user, a report in a network analysis tool (see col. 9, lines 25-67).

Claim 26 differs from claim 1 in that “acquiring a logical hierarchy that includes a plurality of resource profiles and a plurality of dependency relationships among resource profiles in the plurality of resource profiles, where the resource profiles represent networked resources; deriving a visual hierarchy from the logical hierarchy, components of the visual hierarchy corresponding to components of the logical hierarchy” as recited in Miller; see col. 7, lines 13-67.

Regarding claims 27 and 28, Miller discloses wherein the visual hierarchy is a directed tree (see figures 1-3).

Claims 30 and 48 differ from claims 1 and 26 in that “including rendering in a snowflake layout a plurality of fishbone layouts that each feature a hierarchy with a plurality of resource profiles and a plurality of dependency relationships among resource profiles in the plurality of resource profiles”, as recited in Miller; see col. 10, lines 28-67.

Regarding claims 31 and 47, Miller discloses acquiring a status of a monitored resource, and updating a monitored resource profile of the monitored resource in the snowflake layout to reflect the acquired status (see col. 9, lines 10-49).

Regarding claim 45, Jones discloses wherein a procedure in the drill-down list causes a re-rendering of the fishbone layout in response to a selection by the user, and wherein the fishbone layout has a root, and the component becomes the root of the fishbone layout (see col. 7, lines 7-27). One would have been motivated to make such a combination in order to rendering a visual representation of the status of the monitored network resource profile, and an interactive display shows hierarchy network profile resources monitored by network monitoring software.

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Regarding claim 46, Jones discloses wherein a procedure in the drill-down list opens, in response to a selection by the user, a new display panel having a fishbone layout, the fishbone layout having a root and using the component as the root (see figures 1A-2).

***Allowable Subject Matter***

Claims 19-25 and 29 are allowed over the prior arts of record.

The following is a statement of reasons for the indication of allowable subject matter: Applicant has claimed uniquely distinct features in the instant invention which are not found in the prior art either singularly or in combination of a method providing a hierarchy including a root resource profile and a plurality of dependent resource profiles in dependency relationships with the root resource profile, such that a minimal path from each dependent resource profile to the root resource profile, the path including a sequence of dependency relationships, has a path length corresponding to a tier in the hierarchy for each such dependent resource profile, and where the resource profiles represent networked resources; acquiring a status of a monitored resource profile, the monitored resource profile either being the root resource profile or being in the plurality of dependent resource profiles; associating the status with a severity; and rendering the hierarchy in a fishbone layout, including rendering the monitored resource profile with a visual trait indicating the severity.

Claims 8-10, 16-18 and 37-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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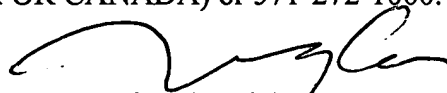
*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Cao (Kevin) Nguyen  
Primary Examiner  
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09/02/06